

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MINSEC COMPANIES, INC., ET AL.,

Plaintiffs,

v.

CITY OF PHILADELPHIA, ET AL.,

Defendants.

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CIVIL ACTION

NO. 09-3396

ORDER

AND NOW, this ____ day of March, 2010, upon consideration of the Motion to Dismiss filed by Defendants, City of Philadelphia, Philadelphia Department of Licenses and Inspections, and Philadelphia Zoning Board of Adjustment (Doc. 8), and the Response in Opposition thereto filed by Plaintiffs, Minsec Companies, Inc. and Oxford Investments, L.P. (Doc. 9),¹ **IT IS HEREBY ORDERED and DECREED** that Defendants' Motion to Dismiss is **GRANTED IN PART AND DENIED IN PART** as follows:

1. All claims against Defendant Department of Licenses and Inspections are **MERGED** with the claims against Defendant City of Philadelphia;
2. The Clerk of the Court shall **TERMINATE** from the docket of this Court Defendant Department of Licenses and Inspections;
3. The Clerk of the Court shall **TRANSFER** this case to the Civil Suspense File;

¹ The parties are advised, in the future, to comply with the provisions of the Court's Standing Order related to the length of briefs. The Standing Order provides: "No brief filed in support of or in opposition to any motion shall exceed twenty-five (25) pages in length without prior leave of court."

4. All proceedings in this case are **STAYED** until further order of the Court;
5. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes;
6. The Court shall retain jurisdiction over the case and the case shall be returned to the Court's active docket when there are no impediments to further proceedings and the case may proceed to final disposition;
7. The entry of this Order is **WITHOUT PREJUDICE** to the rights of any party to request that the case be returned to the Court's active docket; and,
8. The parties, through counsel, shall file and serve a status report at **two (2) month** intervals or more frequently if warranted by the circumstances. Counsel shall include in the status reports: (a) the status of the proceeding pending before the Court of Common Pleas of Philadelphia County, May 14, 2009, No. 1665 (case ID: 090501665); (b) the need for further proceedings in this case; and (c) whether this case can be dismissed either with or without prejudice. One (1) copy of each status report shall be served on the Court (Chambers, Room 9613) when the original is filed.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.